



Department
of Health &
Social Care

*From Nadine Dorries MP
Minister of State for Patient Safety,
Suicide Prevention and Mental Health*

The Rt Hon. Jeremy Hunt
Chair of the Health and Social Care Committee

20th July 2021

Dear Jeremy,

I am writing to you regarding the Health and Social Care Committee's inquiry into children and young people's mental health. I would like to begin by thanking the panel for its work over the course of the inquiry.

At the oral evidence session on 22nd June, you asked me about advocacy access.

(Q323) Please provide clarity on whether the White Paper on mental health guarantees access to advocacy for informally admitted patients and if not, why not?

The right to an IMHA was added to the Act in 2007. IMHAs are commissioned by Local Authorities to ensure independence from the detaining authority, which must make arrangements so that every qualifying patient who wants an IMHA gets one. The Act also provides a duty for hospitals and others to make sure that patients are aware that advocacy services are available. The statutory duty to provide IMHAs only covers people detained under the Mental Health Act. Other forms of advocacy are available to people in inpatient settings, including under the Mental Capacity Act and the Care Act.

However, when someone is on an inpatient ward, they may not always be aware that they have different rights and safeguards to other people on their ward. As IMHAs are trained in legislation and how to support people to exercise their rights within the Act, we think they are well placed to support informal patients to understand their rights, as was recommended by the Review. However, as we recognise that this will create an additional burden for Local Authorities, and advocacy providers, expanding the statutory duty to all inpatients will therefore be subject to future funding decisions.

Any extension to informal patients will include children and young people.

I hope the above information proves helpful.

NADINE DORRIES

MINISTER OF STATE FOR PATIENT SAFETY, SUICIDE PREVENTION AND MENTAL HEALTH